रजिस्ट्री सं. डी (डी) 72 REGISTERED No. D-(D)-72

CK 12/9/85

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 44] नई दिल्ली, बुधवार, मई 29, 1985/ज्यैष्ठ 8, 1907
No. 44] NEW DELHI, WEDNESDAY, MAY 29, 1985/JYAISTHA 8, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 29th May, 1985/Jyaistha 8, 1907 (Saka)

The following Act of Parliament received the assent of the President on the 28th May, 1985, and is hereby published for general information:—

THE TEA COMPANIES (ACQUISITION AND TRANSFER OF SICK TEA UNITS) ACT, 1985

No. 37 OF 1985

[*28th May*, 1985.]

An Act to provide for the acquisition and transfer of the sick tea units specified in the First Schedule and the right, title and interest of the tea companies in respect of the said tea units with a view to securing proper reorganisation and management of such tea/u it so as to subserve the interests of the general public by augmc .- ing the production and manufacture of different varieties of tea which are essenti[illegible] of the economy of the cou .try and for matters co. nected therewith or incidental thereto.

WHEREAS the sick tea units specified in the First Schedule had been engaged in the production and manufacture of different varieties of tea:

AND WHEREAS the management of the said tea unts was taken over by the Central Government under the Tea Act, 1953;

29 of 1953.

AND WHEREAS the Central Government had invested large sums of money with a view to making the said tea units viable;

AND WHEREAS further investment of large sums of money is necessary for reorganising and rehabilitating the said tea units;

AND WHEREAS the acquisition by the Central Government of the said tea units is necessary to enable it to invest such large sums of money and to protect the large investments already made and also the interests of the workmen employed therein by proper reorganisation and management of the said tea units and thereby to augment the production and manufacture of different varieties of tea which are essential to the needs of the economy of the country;

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Tea Companies (Acquisition and Transfer of Sick Tea Units) Act, 1985.

(*2*) It shall be deemed to have come into force on the 8th day of April, 1985.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means the date of commencement of this Act;

(*b*) "Commissioner" means the Commissioner of Payments appointed under section 13;

(*c*) "notification" means a notification published in the Official Gazette;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "sick tea unit' means a tea unit, specified in column (2) of the First Schedule, the management of which had, before the appointed day, been taken over by the Central Government under the Tea Act, 1953; 29 of 1953.

(*f*) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;

(*g*) "tea companies" means the companies (being companies as defined in the Companies Act, 1956) specified in column (3) of the First Schedule; 1 of 1953.

(*h*) "Tea Trading Corporation" means the Tea Trading Corporation of India Limited, a company incorporated and registered under the Companies Act, 1956; 1 of 1956.

(*i*) words and expressions used herein and not defined but defined in the Tea Act, 1953, shall have the meanings respectively assigned to them in that Act; 29 of 195.

(*j*) words and expressions used herein and not defined either in this Act or in the Tea Act, 1953, but defined in the Companies Act, 1956 shall have the meanings respectively assigned to them in the Companies Act, 1956. 29 of 1953. 1 of 1956.

CHAPTER II

ACQUISITION AND TRANSFER OF THE SICK TEA UNITS OF THE TEA COMPANIES

Acquisition of rights of tea companies in respect of sick tea units.

3. (1) On the appointed day, every sick tea unit and the right, title and interest of every tea company in relation to its sick tea units or, as the case may be, sick tea unit shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

(2) Every sick tea unit which stands vested in the Central Government by virtue of sub-section (1) shall, immediately after it has so vested, stand transferred to, and vested in, the Tea Trading Corporation.

General effect of vesting.

4. (1) Every sick tea unit shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were, immediately before the appointed day, in the ownership, possession, power or control of the tea company concerned, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating therto and shall also be deemend to include the liabilities specified in sub-section (1) of section 24.

(2) All properties as aforesaid which have vested in the Tea Trading Corporation under sub-section (2) of section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them and any attachment, injunction, decree or order of any court, tribunal or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Tea Trading Corporation and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within shch time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relaton to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts directed to be given under sections 6 and 7 to the tea company concerned but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Tea Trading Corporation.

(5) Any licence or other instrument granted to a tea company in relation to its sick tea unit which has vested in the Tea Trading Corporation under sub-section (2) of section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and ofter such day in accordance with its tenor in relation to and for the purposes of such sick tea unit and that Corporation shall be

deemend to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such Corporation and such Corporation shall hold it for the remainder of the period for which the tea company would have held it under the tems thereof.

(6) if, on the appointed day, any suit, appeal or other proceeding of whatever nature, in relation to any matter specified in sub-section (1) of section 24, in respect of the sick tea unit of any tea company which has vested in the Tea Trading Corporation under sub-section (2) of section 3, instituted or preferred by or against that company, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the sick tea unit of such tea company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Tea Trading Corporation.

Tea companies to be liable for certain prior liabilities.

5. Subject to other provisions of this Act, every liability, other than the liability specified in sub-section (1) of section 24, of a tea company in respect of any period prior to the appointed day, shall be the liability of that company and shall be enforceable against it and not against the Tea Trading Corporation.

CHAPTER III

PAYMENT OF AMOUNTS

Payment of amount.

6. Every tea company shall be given, by the Central Government, for the transfer to and vesting in that Government under sub-section (1) of section 3 of the sick tea unit or, as the case may be, each sick tea unit of that company and the right, title and interest of that company in relation to such sick tea unit, in cash and in the manner specified in Chapter VI, such amount as is specified against the name of that sick tea unit in column (4) of the First Schedule.

Payment of further amount.

7. (1) Every tea company shall be given, by the Central Government, per annum, for the deprivation of the management of its sick tea unit, an amount as is specified against the name of that sick tea unit in column (5) of the First Schedule, for the period commencing on the date on which the management of such sick tea unit was taken over in pursuance of the order made by the Central Government under the provisions of the Tea Act, 1953 and ending on the appointed day. 29 of 1953.

(2) Every amount specified in columns (4) and (5) of the First Schedule shall carry simple interest at the rate of four per cent. per annum for the period commencing on the appointed day and ending on the date on which the payment of such amount is made by the Central Government to the Commissioner.

(3) The amounts determined in relation to any tea company in accordance with the provisions of sub-section (2) shall be given by the Central Government to the tea company in addition to the amounts specified in columns (4) and (5) of the First Schedule against that company.

CHAPTER IV

MANAGEMENT, ETC., OF THE SICK TEA UNITS OF THE TEA COMPANIES

Management, etc. of the sick tea units of the tea companies.

8. The Tea Trading Corporation or any person which that Corporation may, by order in writing, specify, shall be entitled to exercise the powers of general superintendence, direction, control and management of the affairs and business of a sick tea unit, the right, title and interest of the tea company in relation to which have vested in the Corporation under sub-section (2) of section 3, and do all such things as the tea company of the sick tea unit is authorised to exercise and do.

Duty of persons in charge of management of the sick tea units to deliver all assets, etc.

9. (1) On the vesting of the management of the sick tea units of the tea companies in the Tea Trading Corporation, the persons in charge of the management of such sick tea units immediately before such vesting shall be bound to deliver to the Tea Trading Corporation all assets, books of account, registers and all other documents in their custody relating to such sick tea units.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Tea Trading Corporation and the said Corporation may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the sick tea units of the tea companies shall be conducted or in relation to any other matter arising in the course of such management.

Duty of persons to account for assets, etc., in their possession.

10. (1) Any person who has, on the appointed day, in his possession or under his control any assets, books, documents or other papers relating to any sick tea unit owned by a tea company which has vested in the Tea Trading Corporation under this Act shall be liable to account for the said assets, books, documents and other papers to the Tea Trading Corporation and shall deliver them up to that Corporation or to such person or persons as that Corporation may specify in this behalf.

(2) The Tea Trading Corporation may take or cause to be taken all necessary steps for securing possession of the sick tea units of the tea companies which have vested in that Corporation under this Act.

(3) Every tea company shall, within such period as the Tea Trading Corporation may allow in this behalf, furnish to that Corporation a complete inventory of all property and assets, as on the appointed day pertaining to its sick tea unit, which have vested in that Corporation under sub-section (2) of section 3, and for this purpose, the Corporation shall afford to such company all reasonable facilities.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF THE TEA COMPANIES

Continuance of employees.

11. (1) Every person who has been, immediately before the appointed day, employed in any sick tea unit of any of the tea companies shall become, on and from the appointed day, an employee of the Tea Trading Corporation and shall hold office or service under that Corporation, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting

and shall continue to do so unless and until his employment under that Corporation is duly terminated or until his remuneration and other conditions of service are duly altered by that Corporation.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any sick tea unit of any tea company, to the Tea Trading Corporation, shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority. 14 of 1947.

Provident fund and other funds

12. (1) Where a tea company has established a provident fund, superannuation fund, welfare fund or other funds for the benefit of persons employed in a sick tea unit owned by it, the monies relatable to its employees whose services have become transferred by or under this Act to the Tea Trading Corporation shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other funds, stand transferred to, and vest in, the Tea Trading Corporation.

(2) The monies which stand transferred under sub-section (1) to the Tea Trading Corporation, shall be dealt with by that Corporation in such manner as may be prescribed.

CHAPTER VI

COMMISSSIONER OF PAYMENTS

Appointment of Commissioner of Payments.

13. (1) The Central Government shall, for the purpose of disbursing the amounts payable under sections 6 and 7 to the tea companies, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

Payment by the Central Government to the Commissioner.

14. (1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to every tea company,—

(a) an amount equal to the amounts or amount specified against the name of that company in column (4) of the First Schedule; and

(b) a further amount equal to the amounts or amount specified against the name of that company in column (5) of the First Schedule.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Separate records shall be maintained by the Commissioner in respect of each of the tea companies in relation to which payment has been made to him under this Act.

(4) Interest accruing on the amount in relation to a tea company standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of such tea company.

Certain powers of the Tea Trading Corporation.

15. (1) The Tea Trading Corporation shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to any tea company in relation to its sick tea unit which has vested in the Corporation under sub-section (2) of section 3, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Tea Trading Corporation may make a claim to the Commissioner with regard to every payment made by that Corporation, after the appointed day, for discharging any liability of a tea company, not being any liability specified in sub-section (1) of section 24, in relation to any sick tea unit owned by it in respect of any period prior to the appointed day; and every such claim shall have priority, in accordance with the priorities attaching under this Act to the matter in relation to which such liability has been discharged by the Tea Trading Corporation.

(3) Save as otherwise provided in this Act, the liabilities of a tea company in relation to any sick tea unit owned by it in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of that company.

Claims to be made to the Commissioner.

16. Every person having a claim against a tea company with regard to any of the matters specified in the Second Schedule, pertaining to any sick tea unit owned by it, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

Priority of claims.

17. The claims made under section 16 shall have priorities in accordance with the following principles, namely:—

(a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;

(b) the claims specified in each of the categories shall rank equally and be paid in full, but if the amount paid to the Commissioner under this Act is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly; and

(c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

Examination of claims.

18. (1) On receipt of the claims made under section 16, the Commissioner shall arrange the claims in the order of priorities specified in the Second Schedule and examine the same in accordance with such order.

(2) If on an examination of the claims against a tea company, the Commissioner is of the opinion that the amount paid to him under this Act for payment to such company is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine any claim in respect of such lower category.

Admission or rejection of claims.

19. (1) After examining the claims against a tea company, with reference to the priorities set out in the Second Schedule, the Commissioner shall fix a date on or before which every claimant against the tea company shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major parts of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the tea company concerned an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:— 5 of 1908.

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, and the Commissioner shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against such decision to the High Court within the local limits of whose jurisdiction the registered office of the tea company concerned is situated and every such appeal shall be heard and disposed of by not less than two Judges of that High Court.

Disbursement of money by the Commissioner.

20. After admitting a claim against a tea company under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment, the liability of such tea company in respect of such claim shall stand discharged.

Disbursement of amounts to the tea companies.

21. (1) If out of the monies paid to him in relation to a tea company, there is a balance left after meeting the liabilities as specified in the Second Schedule, the Commissioner shall disburse such balance to such tea company.

(2) Where the possession of any machinery, equipment or other property possessed by a tea company has vested in the Tea Trading Corporation under this Act but such machinery, equipment or other property does not belong to such tea company, it shall be lawful for that Corporation to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by such tea company immediately before the appointed day.

Undisbursed or unclaimed amounts to be deposited with the general revenue account.

22. Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government, but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

Act to have overriding effect.

23. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

Assumption of liability.

24. (1) Where any liability of a tea company arising out of any item specified in Category I of the Second Schedule is not discharged fully by the Commissioner out of the amounts paid to him under this Act, the Commissioner shall intimate in writing to the Central Government

the extent of the liability which remains undischarged and that liability shall be assumed by the Central Government.

(2) The Central Government may, by order, direct the Tea Trading Corporation to take over the liability assumed by the Central Government under sub-section (1), and on receipt of such direction, it shall be the duty of that Corporation to discharge such liability.

Management to continue to vest in certain persons until alternative arrangements have been made.

25. Notwithstanding the vesting under this Act of a sick tea unit of any tea company in the Tea Trading Corporation—

(a) any person who has been managing the affairs of such sick tea unit before the date on which that unit had so vested shall, until alternative arrangements have been made by the Tea Trading Corporation for the management of such unit, continue to manage the affairs of the unit, as if such person had been authorised by the Tea Trading Corporation, to manage such unit;

(b) such person shall, until alternative arrangements have been made by the Tea Trading Corporation, continue to be authorised to operate, in relation to the sick tea unit of such tea company, any account of such unit in any bank as if he had been authorised by the Tea Trading Corporation to operate such account.

Contracts to cease to have effect unless ratified by the Tea Trading Corporation.

26. Every contract entered into by any tea company in relation to any sick tea unit owned by it which has vested in the Tea Trading Corporation under sub-section (2) of section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of a period of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period ratified in writing by the Tea Trading Corporation, and in ratifying such contract, the Tea Trading Corporation may make such alterations or modifications therein as it may think fit:

Provided that the Tea Trading Corporation shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Tea Trading Corporation; and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

Penalties.

27. Any person who,—

(a) having in his possession, custody or control any property forming part of a sick tea unit owned by any tea company wrongfully withholds such property from the Tea Trading Corporation; or

(b) wrongfully obtains possession of, or retains any property forming part of, a sick tea unit owned by any tea company or

(c) wilfully withholds or fails to furnish to the Tea Trading Corporation or any person or body of persons specified by that Corporation, any document or inventory relating to a sick tea unit owned by any tea company, which may be in his possession, custody or control; or

(d) fails to deliver to the Tea Trading Corporation or any person or body of persons specified by that Corporation, any assets, books of account, registers or other documents in his possession, custody or control relating to a sick tea unit owned by any tea company; or

(e) wrongfully removes or destroys any property forming part of a sick tea unit owned by any tea company or prefers any claim under this Act which he knows or has reason to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.

Offences by companies.

28. (1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Protection of action taken in good faith.

29. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Tea Trading Corporation or other person authorised by that Government or Corporation for anything which is in good faith done or intended to be done under this Act

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Tea Trading Corporation or any officer or other person authorised by that Corpora-

tion for any damage caused or likely to be caused for anything which is in good faith done or intended to be done under this Act.

Tea companies not to be wound up by the court.

30. No proceeding for the winding up of a tea company, the right, title and interest in relation to a sick tea unit owned by which have vested in the Tea Trading Corporation under this Act or for the appointment of a receiver in respect of the business of the sick tea unit shall lie or be proceeded with in any court except with the consent of the Central Government.

Delegation of powers.

31. (1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and sections 32 and 33, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

Power to make rules.

32. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;

(b) the manner in which the monies in any provident fund or other fund, referred to in sub-section (2) of section 12, shall be dealt with;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

33. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

Repeal and saving.

34. (1) The Tea Companies (Acquisition and Transfer of Sick Tea Units) Ordinance, 1985, is hereby repealed. 3 of 1985.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE FIRST SCHEDULE

[*See* sections 2(*e*) and (*g*), 6, 7 and 14(*1*)]

Sl. No	Name of the sick tea unit	Name of the tea company	Amount (Rupees in lakhs)	Further amount (Rupees)
(1)	(2)	(3)	(4)	(5)
1.	Pashok Tea Estate	Messrs Pashok Tea Company Limited, 10, Pollock Street, Calcutta.	26.03	7,640
2.	Looksa Tea Estate	Messrs Pashok Tea Company Limited, 10, Pollock Street, Calcutta.	100.15	9,340
3.	Yeh-Tukvo Tea Estate	Messrs Sashi Tara Tea Company Private Limited, Darjeeling.	25.82	4,940
4.	Potong Tea Estate	Messrs Moon Moon Tea Company (Private) Limited, 5, Clive Row, Calcutta.	16.35	3,460

THE SECOND SCHEDULE

[*See* sections 16, 18(*1*), 19(*1*), 21(*1*) and 24(*1*)]

ORDER OF PRIORITIES

Category I—

Employees' dues on account of unpaid salaries, wages, provident fund, Employees' State Insurance contribution or premium relating to the Life Insurance Corporation of India and any other amounts due to employees in respect of any period whether before or after the management of the sick tea units had been taken over by the Central Government.

Category II—

Land revenue, taxes, cesses, rural employment cess, electricity duty, or other dues to the State Government and Local Authorities in respect of any period whether before or after the management of the sick tea units had been taken over by the Central Government.

Category III—

Loans and other financial accommodation, together with interest, provided by the Central Government as well as similar accommodation provided by commercial banks and public financial institutions during any period after the management of the sick tea units had been taken over by the Central Government.

Category IV—

Revenue, taxes, cesses, rates or other dues to the Central Government, in respect of any period whether before or after the management of the sick tea units had been taken over by the Central Government.

Category V—

Secured loans obtained by any tea company for the purposes of its sick tea unit from nationalised banks, Tea Board constituted under the Tea Act, 1953, and public financial institutions during any period before the management of that sick tea unit had been taken over by the Central Government. 29 of 1953.

Category VI—

Any other credit availed of by any tea company for trade or manufacturing purposes with respect to its sick tea unit, during any period before the management of that sick tea unit had been taken over by the Central Government.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1985